

STANDING CHAPTER 13 TRUSTEE ALEJANDRO OLIVERAS RIVERA  
REPORT OF ACTION TAKEN  
MEETING OF CREDITORS

In re:

HAYDEE RIVERA ARZUAGA

Case No. 21-02085-ESL

Chapter 13

Attorney Name: ROBERTO FIGUEROA CARRASQUILLO\*

<b>I. Appearances</b> Debtor <span style="margin-left: 20px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span> Joint Debtor <span style="margin-left: 20px;"><input type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span> Attorney for Debtor <span style="margin-left: 20px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span> <input type="checkbox"/> <b>Prose</b> <input checked="" type="checkbox"/> <b>Appearing:</b> Roberto Figueroa Carrasquillo, Esq.	<b>Date &amp; Time:</b> 8/11/2021 10:30:00AM <input checked="" type="checkbox"/> <b>R</b> <span style="margin-left: 20px;"><input type="checkbox"/> <b>NR</b></span> <span style="margin-left: 20px;"><b>LV: \$5,009 (PV: \$5,810)</b></span> <input checked="" type="checkbox"/> <b>This is debtor(s) 2 Bankruptcy filing.</b> <b>Creditors:</b> <div style="border: 1px solid black; height: 100px; margin-top: 5px; padding: 5px;"> <u>NONE</u> </div>
<b>II. Oath Administered</b> <span style="margin-left: 40px;"><input checked="" type="checkbox"/> <b>Yes</b></span> <span style="margin-left: 40px;"><input type="checkbox"/> <b>No</b></span>	
<b>III. Plan</b> <b>Date:</b> 07/07/2021 <span style="margin-left: 20px;"><b>Base:</b> \$11,160.00</span> <span style="margin-left: 20px;"><b>Payments 1 made out of 1 due.</b></span> <b>Confirmation Hearing Date:</b> 9/8/2021 9:00:00AM <b>Evidence of Pmt shown:</b>	
<b>Attorney's fees as per R. 2016(b)</b> <div style="margin-top: 10px;"> <span style="margin-right: 20px;">\$4,000.00</span> <span style="margin-right: 20px;">- \$228.00</span> <span>= \$3,772.00</span> </div>	
<b>IV. Status of Meeting</b> <input checked="" type="checkbox"/> <b>Closed</b> <span style="margin-left: 20px;"><input type="checkbox"/> <b>Not Held</b></span> <span style="margin-left: 20px;"><input type="checkbox"/> <b>Held/Continued</b></span> <input type="checkbox"/> <b>Held/Not Closed</b>  <input type="checkbox"/> <b>Continued</b> <b>Continued Date:</b> <b>Comments:</b>	
<input type="checkbox"/> <b>M.T.D. to be filed by Trustee: Debtor(s) failed to:</b> <input type="checkbox"/> <b>Appear:</b> <input type="checkbox"/> <b>Commence payments</b> <input type="checkbox"/> <b>Keep payments current</b> <input type="checkbox"/> <b>does (do) not qualify as a debtor (§109):</b> <input type="checkbox"/> <b>MTD Already filed, see Docket:</b> <input type="checkbox"/> <b>Other:</b>	

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(Cont.)

Trustee's Report on Confirmation

☐ FAVORABLE

☒ UNFAVORABLE

- ☐ Feasibility
- ☐ Insufficiently funded
- ☐ Unfair discrimination
- ☐ Fails disposable income
- ☐ Fails liquidation value test
- ☐ Insuarence quote

- ☐ No provision for secured creditor(s)
- ☐ Tax returns missing
  - ☐ State - years
  - ☐ Federal - years

Pending/Items/ Documents:

- ☐ DSO Recipient's Information
- ☐ Evidence of being current with DSO
- ☐ Evidence of income

- ☐ Monthly reports for the months
- ☐ Public Liability Insurance
  - ☐ Premises
  - ☐ Vehicle(s):
  - ☐ Licenses issued by:

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Trustee's objection to confirmation

☒ Objection to Confirmation

☐ Oral objection by creditor

ID (Lic), SS, and W/S ok, SC-2781 (2017 thru 2020 SSI) Ok. Nmar, Employment: SSI, Pen and PAN.

Plan: 186 x 60 = 11,160.00, G.U. 7%

ACP: 3

Household size: 1

Prior case 13-02952

NOTE: Debtor's husband passed away in February 2020, therefore, debtor is not entitled to a widow usufruct.

Besides her 50%, debtor has 1/3 from the 50% of her deceased husband's estate. Debtor has already disclosed in Schedule A/B her 50% plus 1/3 interest.

- PLAN DOES NOT PROVIDE FOR SECURED CREDITOR, §1325(a)(5):

a. Schedule A/B discloses 2 savings and shares accounts with COOPACA, however, plan only provided for one.

- FAILS LIQUIDATION VALUE TEST, §1325(a)(4):

a. Trustee objects case liquidation value at its present value disclosed in part 5.1 of the plan in the amount of \$5,500.00, per Trustee's analysis case liquidation value at its present value is \$5,810.00. If debtor does not agree with trustee's calculation, debtor is asked to provide trustee her analysis for comparison purposes.

b. Part 5.1 in its 4th entry needs to disclose the correct present value.

c. Plan does not comply with the best interest of creditors' test. Plan only disburses \$4,508.85 to general unsecured creditors.

OTHER:

a. Schedule H will be amended to disclose debtor is codebtor in an auto loan with Toyota Motor Credit. Main debtor is debtor's daughter-in-law, Marilisa Torres Torres.

b. Plan needs to provide treatment in Part 8 to Toyota auto loan, which is unsecured for debtor, but creditor is receiving the payments from the main debtor to that loan, Ms. Marilisa Torres Torres. Plan should disclose that trustee will not make disbursements to Toyota's auto loan, without prejudice of the claim being amended in case of a deficiency, in which case it will be treated by trustee for distribution purposes pursuant to Part 5.1 of the plan.

The following party(ies) object(s) confirmation:

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s/Miriam Salwen

Date: 08/11/2021

Trustee/Presiding Officer

(Rev. 05/13)